JOHN S. ZIOBRO HONORABLE JUDGE SHEA Telquist • Ziobro • McMillen, PLLC 2 1333 Columbia Park Trail, Suite 110 Richland WA 99352 Phone: (509)737-8500 4 Facsimile: (509)737-9500 5 Attorney for Plaintiffs 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF WASHINGTON 9 Northwest Ag Products, 10 Cause No.: CV-09-05095-EFS 11 Plaintiffs, Franklin County Cause No.: 12 08-2-50526-2 VS. 13 City of Pasco, municipal corporation of the) STIPULATION AND ORDER OF State of Washington, DISMISSAL 14 15 Defendants. 16 17 I. **STIPULATION** 18 Northwest Ag Products and the City of Pasco, by and through their attorneys of record, 19 hereby stipulate as follows: 20 1. A settlement agreement and release has been entered into by the parties. 21 2. In exchange for the settlement and release, Northwest Ag Products agrees to dismiss 22 23 this lawsuit with prejudice. 24 3. Both parties agree that they will pay their respective attorney fees and costs 25 associated with this litigation and with Franklin County Cause No. 08-2-50526-2. 26 Agreed this 31<sup>ST</sup> day of August, 2010 27 2.8 TELQUIST • ZIOBRO • MCMILLEN, PLLC Stipulated Order of Dimissal

Page 1 of 2

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- 1					
1	/s/ Mr. John S. Ziobro				
2	Attorney at Law Telquist Ziobro McMillen, PLLC				
3	1333 Columbia Park Trail, Suite 110				
4	Richland, WA 99352 ziobro@tzmlaw.com				
5					
6		/s/ Mr. Kenneth W. Harper Menke Jackson Beyer Ehlis			
7	& Harper,	& Harper, LLP			
	807 North 39 <sup>th</sup> Avenue Yakima, WA 98902				
8	kharper@n	njbe.com			
9			II. O	PRDER	
10	Bas	es upon the Stipulation enter	ed herein,	the Court hereby orders, adjudges, and decrees	
11	as follows:				
12	1.	The lowenit is dismissed with	h projudic	e and pending motions are denied as moot.	
13	1.	The lawsuit is dishlissed with	n prejudie	e and pending motions are defied as moot.	
14	2. No costs are awarded to either party and this file shall be closed.				
15	DA	DATED this 31 stay of August 2010.			
16					
17				Edward F. Shea	
18			The	Honorable Judge Shea	
19	Presented b	y:			
20		n S. Ziobro			
21	Attorney at Law Telquist Ziobro McMillen, PLLC				
22	1333 Columbia Park Trail, Suite 110				
23	Richland, WA 99352 ziobro@tzmlaw.com				
24	Agreed as to form:				
25	Agreed as to form.				
26	/s/ Mr. Kenneth W. Harper Menke Jackson Beyer Ehlis				
	& Harper, LLP				
27	807 North S Yakima, W	39 <sup>th</sup> Avenue VA 98902			
28	kharper@n				
	Stipulated Or Page 2 of 2	der of Dimissal		TELQUIST • ZIOBRO • MCMILLEN, PLLC 1333 Columbia Park Trail, Suite 110	

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